



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.18112 of 2019 and
W.M.P.Nos.17481 & 17485 of 2019

P.Jayaraman

.. Petitioner

vs.

1 The Addl. Chief Secretary to Government,
Revenue and Disaster Management Department,
Government of Tamil Nadu, Fort George
Chennai 600 009.

2 The District Collector,
Nilgiris District, Nilgiris.

3 The Tahsildar
Coonoor Taluk,
Coonoor - Nilgiris District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue of Writ of Certiorarified Mandamus, Calling for the records comprised in the proceedings of the 1st respondent bearing G.O.Ms.No.153, dated 07.06.2019 and quash the same and by directing the 1st respondent herein to conduct a denovo enquiry in the revision filed against the order passed by the 2nd respondent in proceedings bearing RC/U2 No.3565 of 2019, dated 08.03.2019.

For Petitioner : Mr.T.T.Ravichandran

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader (i/c)

ORDER

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus to call for the records of the 1st respondent dated 07.06.2019, to quash the same and to direct the 1st respondent to conduct a denovo enquiry in the revision filed against the order passed by the 2nd respondent dated 08.03.2019.



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2. The petitioner has filed a Revision as against the order passed by the 2nd respondent, the District Collector, dated 08.03.2019, before the 1st respondent under Section 10-A of the Tamil Nadu Land Encroachment Act.

3. The 1st respondent, taking into consideration the case of the petitioner, dismissed the revision and confirmed the order passed by the 2nd respondent.

4. On a perusal of the order passed by the 1st respondent, it could be seen that the petitioner is an encroacher of highly objectionable Water Course Poromboke, which are registered as "River" in the Revenue Records. Even the 2nd respondent also came to the conclusion that the petitioner is an encroacher.

5. When the authorities have concurrently found that the petitioner, along with others, have encroached the Water Course, we do not find any error or irregularity in the order passed by the 1st respondent.

6. The main grievance of the learned counsel appearing for the petitioner is that out of the 55 encroachers, the authorities are taking action for removing the encroachment only in respect of the petitioner's property and that they have not evicted the other encroachers.

7. However, Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c), appearing for the respondents submitted that the authorities are proceeding with the eviction and all the encroachers would be evicted from the encroached land.

8. The submission made by the learned Government Pleader (i/c) is recorded.

9. In view of the reasons stated above, the Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

Rj



To

1 The Addl. Chief Secretary to Government,
Revenue and Disaster Management Department,
Government of Tamil Nadu, Fort George
Chennai 600 009.

2 The District Collector,
Nilgiris District, Nilgiris.

3 The Tahsildar
Coonoor Taluk,
Coonoor - Nilgiris District.

+1 CC to Govt. Pleader sr 53544

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BR(CO)
SP(08/08/2019)